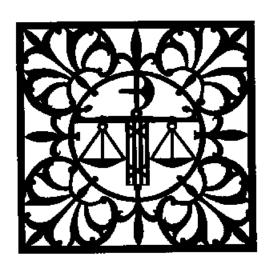
Gender and Justice:

Implementing Gender Fairness in the Courts



Progress Report

Nebraska Supreme Court Gender Fairness Implementation Committee

1999/2000

Members of the Gender Fairness Implementation Committee

Hon. John M. Gerrard, Chairperson Justice of the Supreme Court Lincoln. Nebraska

Hon. Michael Amdor Judge of the District Court Omaha, Nebraska

Hon. W. Mark Ashford Judge of the District Court Omaha, Nebraska

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Hon. Mary Gilbride Judge of the District Court Wahoo, Nebraska

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Hon. Thomas G. McQuade Judge of the County Court Omaha, Nebraska

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Hon. Richard D. Sievers Judge of the Court of Appeals Lincoln, Nebraska

Hon. Richard J. Spethman Judge of the District Court Omaha, Nebraska

Hon. Laureen K. Van Norman Judge of the Workers' Compensation Court Lincoln, Nebraska

Annual Report of the Gender Fairness Implementation Committee

1999/2000

The 1999/2000 Report of the *Nebraska Supreme Court Gender Fairness Implementation Committee* marks the completion of five years of work by the Committee. Under the leadership of Justice John Gerrard, the Committee was appointed by the Nebraska Supreme Court in 1995 to continue the work of the *Nebraska Supreme Court Task Force on Gender Fairness*. The ongoing duties are as follows:

- Ensure that educational programs address the needs determined by the Task Force.
- Publicize the findings of the Task Force and make further recommendations based on the implementation of the Task Force recommendations.
- ' Monitor positive progress and identify new problem areas.
- ' Seek funding for implementation of the Task Force recommendations and any additional studies deemed necessary.
- ' Evaluate progress on a regular basis.

The membership of this committee includes representatives from the judiciary, court administration, bar, law schools and lay persons. The Committee continues to meet to share reports on the progress of the subcommittees and to establish future goals. Many of the projects to promote gender equity in the courts have been ongoing in nature and will continue in the future. The Nebraska Bar Association continues its partnership with the Implementation Committee in efforts to eliminate gender bias in the Nebraska courts and legal profession.

One of the goals of this committee was to produce a videotape addressing the impact of gender bias on the legal profession and judicial system. The Education subcommittee worked on this project for several months and the goal was realized with the financial assistance from the Nebraska State Bar Association in cooperation with the Family Law, Labor and Employment Law and Women and the Law Sections of the NSBA.

The purpose of the videotape is to help identify the impact gender bias has on the judicial system and legal profession. With permission, it was modeled after a videotape from Minnesota, produced by the Minnesota State Bar Association. Using a series of vignettes,

adapted to specific issues in Nebraska, the 45 minute tape includes on-camera interviews with Nebraska judges, court employees and practicing attorneys. Four primary topics are addressed:

Gender stereotypes - Several gender-based stereotypes about professional competence are addressed as well as the need for straightforward performance critiques.

Mentors - These vignettes stress the fact that all new lawyers can benefit from the advice of more experienced colleagues. Complexities involved in establishing mentoring relationships when women enter a male-dominated profession are explored.

Exclusionary behavior - Included are some depictions of some "old boys' club" behaviors that while unintended and rarely malicious, have the effect of excluding women from full participation in the profession.

Courtroom interaction - The interaction of lawyers, judges, court personnel and parties in a litigation setting is the focus of these vignettes.

A discussion guide (see Appendix A) was also developed to accompany the video. The questions in this guide highlight the issues raised in the vignettes and facilitate discussions for viewers in developing strategies to deal with gender-based problems in the legal workplace. The tape was previewed at the Nebraska Bar Association's annual meeting in October of 1999. The Inns of Court used the tape for their December 1999 meeting with Justice Gerrard moderating the discussion. It was also shown at the Nebraska Bar Association Mid-year Meeting in March of 2000 with Judge Alan Brodbeck as moderator. The Women and the Law Section of the NSBA cosponsored another presentation and discussion at the Fall 2000 judges meeting. The presentation was very well attended and a lively discussion was moderated by a panel of judges. The County Court Clerk Magistrates also viewed the tape at their meeting in September of 2000.

The distribution of the video tape continues to be a work in progress. Plans include introductory letters to regional and local bar associations with the use of a speakers bureau consisting of trained judges and attorneys in various locations in the state to facilitate discussions. The initial focus will be on local bar associations and judge groups. Representatives will also meet with local law firms to encourage use. Other possible uses include use by law schools in their ethics/professionalism classes, trial advocacy classes, law student groups and career placement offices.

Other projects and accomplishments of the Gender Fairness Implementation Committee include:

The Committee will continue to serve as a legislative review panel and where necessary act as a catalyst for new legislation.

Gains have been made in the area of appointments of women to the bench. Since the last report four women have been appointed including two district judges, a juvenile judge and a court of appeals judge.

A fast track process has also been established and used for all complaints against judges involving possible workplace harassment.

Additions have been made to the Judges Bench Book regarding protection order issues.

The Gender Fairness Implementation Committee continues to be committed to working to ensure gender equity in the Nebraska court system for all participants.